

# IOWA SCHOOL HEALTH LEGAL REFERENCE SUMMARIES

## ABUSE-CHILD/DEPENDENT ADULT

**Iowa Code Chapters 232.68-.70<sup>1</sup>; 235A; 235B: 441 Iowa Administrative Code (IAC) 175<sup>2</sup> and 176** Confidential report of suspected child or dependent adult abuse required by mandated school reporters-licensed school employees, authorized coaches, certified paraeducators, and health professionals to department of human services within 24 hours followed by a written report within 48 hours. Knowingly failing to report could result in civil liability for resulting damages. Licensing boards require approved training verification as part of licensure/renewal. Approved two-hour training is required on employment then every 5 years.

**Iowa Code §280.17; 281 IAC 102** Procedures to handle alleged incidents of student abuse by school employees. Sample policy on identifying and reporting child abuse and sample policy and rules on procedures for investigating allegations of abuse of students by school employees. *On the IDE website search for 'Chapter 102 Manual'.*

**Iowa Code §280.21** School employees prohibited to intentionally inflict physical student punishment/training required. **281 IAC 103** Bans corporal punishment, restraint, physical confinement, and detention.

## ACTIVITY PROGRAM

**281 IAC 12.6(256)** Standards for school activity programs.

## AGE OF MINORITY

**Iowa Code §§599.1-6** Age of minority extends to age 18 years with all minors attaining majority by marriage.

## AT-RISK CHILDREN

**§§279.51, 280.19; 281 IAC 12.5(13), 281 IAC 67** Describes programs for At-Risk Children as part of the comprehensive school improvement plan.

## ATTENDANCE

**Iowa Code §§299.1, .1A, .1B, .2, and .19** Requires child age 6 and under age 16 by September 15 to attend school. If child reaches 16 on or after September 15, compulsory age continues until end of regular school calendar. Consequences for failure to attend. School officers determine cause of failure to attend for any child over age 7 or under age 16.

## AUTOMATED EXTERNAL DEFIBRILLATOR (AED)

**Iowa Code §613.17** Limits liability for responders using an AED. **641 IAC 143.12** An AED is maintained according to the manufacturer's guidelines to conform to nationally accepted guidelines. Maintenance is recorded.

## BIRTH CERTIFICATE

**Iowa Code §§144.13(1), 256.7, 282.3** County/hospital birth certificates are vital records/legal documents to verify age for school entry, driver's education, and others. State-issued certificate not required.

## BRAIN INJURY-CONCUSSION

**Iowa Code §280.13C** Annually, 7-12 grade students and parent/guardian receive/sign a concussion/brain injury information sheet before participating-practice or competition-in interscholastic sports, cheerleading, and dance. A student is immediately removed from practice or competition if coach or a contest official observes signs, symptoms, or behaviors consistent with brain injury/concussion. Return to participation requires a signed clearance evaluation by a licensed health care provider trained in evaluation/management of concussions and brain injuries.

## BULLYING AND HARASSMENT

**281 IAC 12.3(13)** Board policy declares bullying and harassment of or by students and staff against school policy in school, on school property, and at any school function or activity. The policy is made available and brought to the attention of all.

## COMMUNICABLE-INFECTIOUS DISEASES-POISONINGS

**Iowa Code Chapter 139A** Health practitioners attending persons with a reportable disease, reportable poisoning, or toxic agent illness report to Iowa Department of Public Health (IDPH) and local

health department, penalties for violation. Reports are confidential and reporters, reporting in good faith, have immunity from liability. A person knowingly exposing another to danger of contracting a contagious disease is liable for damages and guilty of a simple misdemeanor. Central registry collects and stores data. *Recommend each school with 10% or more absent students due to illness report to IDPH on the reporting site.* **Iowa Code §139A.8** Immunization of children.

**641 IAC 1** Reportable diseases; infectious conditions, noncommunicable diseases, occupationally related conditions, agricultural injuries, metal poisonings, confidentiality, isolation, quarantine, disinfection, and others. School nurses report certain suspected diseases.

**29 USC 653; 29 Code Federal Regulations (CFR) Part**

**1910.1030** Occupational exposure to bloodborne pathogens.

Districts establish policy, procedures, and education to eliminate or minimize possible occupational exposure.

## COMMUNITY EMPOWERMENT

**Iowa Code Chapter 28** Creates partnerships, improves well-being of families with young children, and reduces duplicative barriers to community efforts to improve local education, health, and human services programs.

## COMPETENT PRIVATE INSTRUCTION

**Iowa Code Chapter 299A; 281 IAC 31** Private Instruction requirements for competent private instruction (CPI). Required to submit immunizations first time enrolled. Immunization audit/report done in the student's accredited home school. *On the DE website search for 'home schooling'.*

## CONFIDENTIALITY

**20 USC 1232g; 34 CFR Part 99** Family Education Rights and Privacy Act (FERPA). Gives parents and students over 18 years certain rights regarding student's education records including inspection, review, amendment, consent to disclose, and defines conditions when prior consent not required including health or safety emergencies, directory information, assisting a school official in performing tasks, legitimate educational interest, and school transfer. Applies to schools receiving Federal education funds and protects paper and electronic records. Requires annual notification of rights and directory information disclosure.

**Iowa Code §22.7** Records are confidential unless otherwise ordered including information on a past, present, or prospective student gathered or created by or for school.

**Iowa Code §125.33** Minors seeking substance abuse voluntary treatment or rehabilitation may consent to care without knowledge and consent of their parents or guardians.

**Iowa Code §135L.3; 641 IAC 89** Requires notification of parent before an abortion on a pregnant minor and criminal penalty for violation. A person shall not perform an abortion on a pregnant minor until at least forty-eight hours of prior notification to a parent of the pregnant minor, exceptions, and education.

**Iowa Code §139A.35** A minor who seeks diagnosis or treatment for a sexually transmitted disease or infection shall have legal capacity to act and give consent to medical care and service for sexually transmitted disease or infection by a hospital, clinic, or health care provider. Consent of another not necessary.

**Iowa Code Chapter 141A** HIV and AIDS testing/counseling are confidential. Information disclosure prohibited without specific written consent of the person.

**Iowa Code §§228.2-.3** Mental health information disclosure prohibited unless authorized specific consent, documented, and disclosure of legal consequences stated. Information is transferred to another facility or health professional in an emergency or if proper consent is signed.

**Iowa Code §280.24** School prescribes procedures for reporting drug or alcohol possession/use (alcoholic liquor, wine, beer, or any controlled substance) on school premises to local law enforcement agencies, if use/possession is in violation of school policy or state law. May include and not require a report when school officials

<sup>1</sup> All references to the Iowa Code are to the current 2011 edition.

<sup>2</sup> All references to the Iowa Administrative Code are to the current 2011 edition.

determine an at-risk or other student assistance program would be jeopardized if a student self reports

**Iowa Code §280.25** Information sharing and interagency agreements. School adopts a policy and rules on sharing information in a student's permanent record pursuant to an interagency agreement with state and local agencies part of the juvenile justice system. Disclosure of information is directly related to the juvenile justice system's ability to serve the student effectively. Student handbook contains the policy.

**Iowa Code §331.909** Multidisciplinary community services teams, county or multicounty consortium of agencies providing health, counseling, economic assistance, education, law enforcement, or therapeutic services may share information on a confidential basis.

**Iowa Code §§599.6** Blood donation 17 year old or older may consent to donate blood in a voluntary noncompensatory blood program without parent or guardian permission and 16 year old may donate blood in a voluntary noncompensatory blood program with written permission.

**Iowa Code §622.10** Communications in professional confidence, exceptions, and application to court. Practicing health professional, who obtains information by employment, shall not be allowed, in giving testimony, to disclose any confidential communication properly entrusted to person in person's professional capacity, and necessary/proper to enable person to discharge functions of person's office according to usual course of practice or discipline. Exceptions listed.

**281 IAC 41.610-618** Confidentiality of special education records and information: definitions, notice, access, types, locations, fees, amendment, consent, safeguards, destruction, and others.

#### **CORPORAL PUNISHMENT BAN; RESTRAINT; PHYSICAL CONFINEMENT AND DETENTION**

**Iowa Code §280.21; 281 IAC 103** Definitions, limitations, and requirements for schools and employees.

#### **CRISIS PLAN**

**20 USC Title IV-A Section 7114** Requires a crisis management plan and security procedures for the time students are at school and on the way to and from school.

**Iowa Code 282.4(1)** The board may, by majority vote, expel any student from school for a violation of regulations or rules established by board, or when the presence of the student is detrimental to the best interests of the school...

#### **DENTAL SCREENING/CLINICS**

**Iowa Code §135.17; 641 IAC 51** Parent or guardian provides school with dental screening evidence on student entering kindergarten and 9<sup>th</sup> grade. See IDPH website for details.

**Iowa Code §280.7** Public school districts may establish/maintain child dental clinics and offer instruction on oral hygiene.

#### **DISABILITIES**

**29 USC Section 794: 34 CFR Part 104** Rehabilitation Act, Section 504 prohibits discrimination on the basis of disability in any educational program receiving federal financial assistance.

#### **DISASTER SCHOOL CLOSINGS-PUBLIC HEALTH**

**Iowa Code §135.144(13)** IDPH duties in public health disaster-order, in conjunction with department of education, temporary closure of a public school or nonpublic school to prevent or control transmission of a communicable disease in section 139A.2.

#### **EARLY CHILDHOOD STANDARDS-IQPPS**

**Iowa Code §256C** Statewide Preschool Program for Four year olds; **281 IAC 16** Voluntary Preschool Program. IDE website Iowa Quality Preschool Program Standards include-Implementation Guide, Section III-Program Standard 5-Health, Standard 6-Teachers, and Standard 9-Physical Environment.

#### **EAR PROTECTION**

**Iowa Code §280.11** Every student and teacher must wear ear protective devices when participating in an activity that may subject them to risk of hearing loss.

#### **EDUCATION**

**Iowa Code Chapter 280** Uniform school requirements. **Iowa Code §280.12** School improvement advisory committee required. Lists recommended activities. **281 IAC 12** General accreditation standards for all Iowa students to fulfill state responsibility for making available appropriate educational program with high expectations.

#### **EMERGENCY ASSISTANCE IN AN ACCIDENT**

**Iowa Code Chapter 613.17(1)c** A person, in good faith rendering emergency care or assistance in the workplace shall not be liable for any civil damages

#### **ENVIRONMENT**

**Iowa Code Chapter 88B** Asbestos removal and encapsulation.

**Iowa Code Chapter 89B** Hazardous chemical risks/right to know.

**Iowa Code Chapter 297** New school building site and construction criteria, waste disposal, food service, occupational and boiler safety, school swimming pools.

**Iowa Code §8A.318** Green Cleaning & maintenance with environmentally preferable cleaning products-Required in public schools, community colleges, regents institutions, state agencies. Disinfectants to protect health allowed. Exception-may opt out as result evaluation, assessment, and affirmative Board vote. School reports opt out to IDE. See IDAS, green clean Iowa schools.

#### **EYE PROTECTION/SCREENING**

**Iowa Code §280.10** Students and teachers must wear eye-protective devices when there is a risk of eye injury.

**Iowa Code §280.7A** Parent or guardian registering a child for kindergarten or preschool shall be given a vision card with a goal of every child receiving an eye examination by age 7 as needed.

#### **HEALTH CURRICULUM**

**Iowa Code Chapter §256.26a** Health literacy core curriculum required.

**Iowa Code §§256.11(1-2); 281 IAC 12.5(1)-(2)**

*Prekindergarten* program helps children work/play with others, express themselves, learn to use/manage their bodies, and understand the world about them. *Kindergarten* experiences designed to develop healthy emotional/social habits and the ability to protect and increase physical well-being.

**Iowa Code §256.11(3); 281 IAC 12.5(3)"e-g"** Health areas taught in *grades 1-6* include age appropriate and research based personal health, food and nutrition, environmental health, safety and survival skills, consumer health, family life, substance abuse and nonuse, human sexuality, self esteem, stress management, interpersonal relationships, emotional and social health, health resources, prevention and control of disease, characteristics of communicable diseases including acquired immune deficiency syndrome; physical education; and traffic safety.

**Iowa Code §256.11(4); 281 IAC 12.5(4)"e-f"** Health areas taught in *grades 7-8* include age appropriate/research based personal health, food and nutrition, environmental health, safety survival skills, consumer health, family life, substance abuse/nonuse, human sexuality, self esteem, stress management, interpersonal relationships, emotional/social health, health resources, prevention/control of disease, characteristics of communicable diseases including sexually transmitted diseases HPV/acquired immune deficiency syndrome, physical education.

**Iowa Code §256.11(5); 281 IAC 12.5(5)"e-f"** Minimum areas offered and taught in *grades 9-12* Health (one unit) age appropriate and research based personal health, food and nutrition, environmental health, safety and survival skills, consumer health, family life, human growth and development, substance abuse and nonuse, emotional and social health, health resources, prevention and control of disease, characteristics of communicable diseases including sexually

transmitted diseases, HPV, and acquired immune deficiency syndrome, current crucial health issues, human sexuality, self esteem, stress management, interpersonal relationships; physical education (one unit) All students physically able are required to participate in physical education activities during each semester a minimum of 1/8th unit each semester, exceptions listed. **Iowa Code §256.11(6); 281 IAC 12.5(20)** A student, prior to the end of 12<sup>th</sup> grade, completes a CPR course beginning with the graduating class of 2011-2012. **Iowa Code §256.9(49a-b)** Human growth and development, health education standards, and curricular information. The department develops/makes available examples of age appropriate, scientifically based research materials/resource lists for parents to teach their children to recognize abuse, health, and wellness literacy.

**Iowa Code §279.50** Human growth and development instruction. Each school provides instruction in *kindergarten* on life skills and human growth and development using research to upgrade and evaluate. In *grades 1-12* the school provides age appropriate/ research-based human growth and development including human sexuality, self-esteem, stress management, interpersonal relationships, domestic abuse, HPV/the prevention vaccine, and acquired immune deficiency; syndrome. On request, parents or guardians may request an excuse for pupil. There are periodic instructional programs for staff, parents, and community members. Each AEA offers periodic staff development. The department identifies and distributes information on early intervention programs for at-risk students.

### HEALTHY KIDS ACT

**Iowa Code §256.7(29)** Establish nutritional content standards for foods, beverages, concession stands, and fundraising sold or provided on school grounds. **Iowa Code §256.7(58)** Monitor compliance and provide nutritional content standards.

**Iowa Code §256.11(6) a.** Pupil not required to enroll in following if parent submits written statement of conflict with religious belief. **b.** physically able students in K-5 required to engage in physical activity for a minimum of 30 minutes per school day, grades 6-12 minimum of 120 minutes per week, the department will develop models to incorporate physical activity (281 IAC 12.5(19)).

**c.** Students by the end of 12<sup>th</sup> grade shall complete a certification course for CPR (281 IAC 12.5(20)).

**Iowa Code §273.2 (7)** AEA board or consortium of two or more AEAs shall contract with one or more licensed dieticians for support of nutritional provisions in individual education plans and provide information to support school nutrition coordinators.

### HEALTH SERVICES

**Iowa Code §280.23** Student health services. School authorities shall not require nonadministrative personnel to perform student special health services or intrusive nonemergency medical services unless personnel are licensed, otherwise qualified, and consent to perform the services.

**Iowa Code §256.7(24)** Board adopts policy relating to health services for reporting purposes.

**281 IAC 41.304(3)** Full and individual evaluation of individual's educational needs is completed before any action is taken to provide special education and related services. A full and individual evaluation includes ...collection of additional information including, if appropriate, assessment or evaluation of health, vision, hearing, social, and emotional status ...

**281 IAC 41.404(1-3)** Each agency establishes medication administration and special health services policy and procedures.

**281 IAC 41.405** Special health services. Definitions and requires each board, in consultation with licensed health personnel, establish policy and guidelines to provide confidential special health services. Specifies contents and the qualified licensed health personnel provide the services. Licensed health personnel duties include participate as a member of education team; provide health assessment; plan, implement, and evaluate written individual health plan (IHP); plan, implement, and evaluate special emergency health services; serve as liaison and encourage participation and communication with health service

agencies and individuals providing health care; provide health consultation, counseling and instruction with pupil, parent and staff in cooperation and conjunction with prescriber; and maintain a special health services record. Documentation includes pupil's name, special health service, prescriber or person authorizing, date and time, signature and title of person providing special health service, and any unusual service circumstances in provision; report unusual circumstances to prescriber, parent, and school administration; assign and delegate, instruct, provide technical assistance, supervise qualified designated personnel, and update knowledge and skills to meet special health service needs. Before provision of special health services, the following are on file: Written prescriber statement detailing specific special health service method and schedule; pupil's parent written statement requesting special health service; written report of preplanning staffing/meeting of education team; and written IHP. Licensed health personnel, in collaboration with education team, determine special health services to be provided/qualifications of individuals performing special health services. Documented rationale includes analysis/interpretation of special health service needs, health status stability, complexity of service, predictability of service outcome, and risk of improperly performed service; determination the special health service, task/procedure/ function is a part of person's job description; determination of assignment and delegation based on pupil's needs; review of designated person's competency; and determination of initial and ongoing level of supervision required to ensure quality services. Licensed health personnel supervise special health services, define level of supervision, document supervision, and instruct qualified designated personnel to deliver/perform special health services in the IHHP. Maintain documentation of instruction and periodic updates at school. Parents provide usual equipment, supplies, maintenance, and store in a secure area. Designate personnel responsible for equipment; provision, supply, storage, maintenance; school and parent roles, and others in IHP.

### HOMELESS IN SCHOOL

**20 U.S.C. 6201, Title X Part C, Subtitle B, Sec. 721-723; Iowa Code Chapter 256; and 281 IAC 33.5.** Education of

homeless children and youth laws ensure homeless students opportunities to meet the same challenging student academic achievement standards of all students. A public school shall not refuse to enroll or exclude a homeless child for lack of immunization records if any of the following exists: Parent or guardian 1) has an official statement from a licensed physician that immunizations would be injurious to the health of child or family members, 2) has an affidavit that immunization conflicts with tenets of their recognized religious denomination (unless an emergency or epidemic exists), 3) has begun required immunizations and is continuing schedules as rapidly as possible, 4) declares that child is a transfer from another school. If no records are available and none of above exemptions applies, the child should be referred to local board of health for immunization and be provisionally enrolled.

**Iowa Code Chapter 256: 281 IAC 33.11** District makes available all services, including health services and food nutrition programs, on same basis provided to resident pupils.

### IMMUNIZATION

**Iowa Code §139A.8; 641 IAC 7** Persons enrolled or attempting to enroll in a licensed child-care center, a public or nonpublic elementary, or secondary school, those who are provided competent private instruction submit a valid Iowa department of public health immunization certificate to admitting official. Exemptions are permitted on an individual basis for medical (health provider signed medical exemption with expiration date), and religious (notarized statement immunization conflicts with tenets of a recognized religion of which the child is a member (except in times of emergency or epidemic), and provisional enrollment-up to 60 days, if immunization has begun and is proceeding as rapidly as medically possible or student is a transfer student. Those failing to comply without medical excuse shall be excluded from the total school program. Extension

allowed accompanied by a doctor's statement. **641 IAC 7.4** Law stating required immunizations.

**641 IAC 7.10 Compliance.** Applicants not presenting proper evidence of immunization, or exemption, are not entitled to enroll. It shall be the duty of admitting official to ensure immunization certificate is on file for each child enrolled, deny enrollment to any applicant who does not submit proper immunization evidence.

**281 IAC 31.2(1)a(7)** Competent private instruction/dual enrollment. Immunizations, required by law, when placing child in competent private instruction for the first time.

## INSURANCE FOR CHILDREN

**Iowa Code Chapter 514I** Healthy and Well Kids in Iowa (*hawk-i*) Insurance coverage for qualified uninsured Iowa children. DHS manages program. School nurse may participate in presumptive eligibility-become a qualified entity (QU).

## LEAD BLOOD SCREENING

**Iowa Code §135.105D; 641 IAC 67** District/school provides IDPH, in format department specifies, within sixty days after start of school calendar, an electronic list of children enrolled in kindergarten, including names of children who have filed certificates of testing exemption. Public health cross-matches with existing database to determine lead testing status, provides information to school, and assists with follow-up.

**Iowa Code §135.105C** Renovation, remodeling, and repainting lead hazard notification process.

## LIABILITY

**Iowa Code §§670.1-.13** Tort liability. District subject to liability for its torts and those of its officers and employees, acting within scope of employment/duties. **Iowa Code §613.17** Person, in good faith renders emergency care without compensation, shall not be liable for civil damages.

## MEDICAID

**20 USC1412(a)(12)(A), (B), (C), 1401(8); 34 CFR 300.142e; Iowa Code Chapter 249A; 441 IAC 77, 78, 79, 80, 88**

Medicaid school special education reimbursement. **Iowa Code §256B.15; 281 IAC 41.154(4)** Children with disabilities who are covered by public benefits or insurance require parental consent. AEA, Infant, LEA Manuals. See IDHS web.

**Medicaid Presumptive Eligibility**-If a school is a Medicaid provider, the school nurse may apply to become a Qualified Entity (QE) to make the "presumptive" eligibility determination for the child to receive needed health services immediately. To become a QE complete a web-based training and electronic certification. Contact Iowa Medicaid Enterprise, Provider Enrollment, 800-338-7909, opt. 2, Des Moines area, 515-256-4609, opt. 2, or email [imeproviderservices@dhs.state.ia.us](mailto:imeproviderservices@dhs.state.ia.us)

## MEDICATION

**Iowa Code §280.16** Students with asthma or other airway constricting diseases shall self-administer medication at school with parental and physician signed consent on file-requirements specified. Competency demonstration not required.

**Iowa Code §§124.101, 147.107, 155A.4(2)"c"** Defines administer, allows a practitioner to delegate the administration of controlled substances to a nurse, describes drug dispensing limitations, and states a practitioner-licensed by appropriate state board to administer drugs to patients-may delegate administration of a prescription drug to a nurse or other qualified individual. Dispensing, supplying, prescribing limitations, and exceptions. **657 IAC 8.32** Board of Pharmacy, Individuals qualified to administer. Board designates qualified individuals to whom a practitioner may delegate administration of prescription drugs. Any person specifically authorized under pertinent sections of Iowa Code to administer prescription drugs shall construe nothing in this rule to limit that authority. 1. Persons who have successfully completed a medication administration course.

**281 IAC 41.404(1-2)** Medication administration. Each agency establishes medication administration policy and procedures.

**281 IAC 41.404(3)** Medication administration includes following: statement on administration of prescription and nonprescription medication; statement on individual health plan when

administration requires ongoing professional health judgment; statement persons administering medication include authorized practitioners, such as licensed registered nurses and physicians, and persons to whom authorized practitioners have delegated administration of prescription drugs (who shall have successfully completed a medication administration course); individuals who have demonstrated competency in administering their own medications may self-administer their medication; individuals self-administer asthma or other airway constricting disease medication with parent and physician consent on file, without the necessity of demonstrating competency to self-administer these medications; provision for a medication administration course and periodic update; registered nurse or licensed pharmacist conducts course; maintain record of course completion by school; requirement the individual's parent provide a signed and dated written statement requesting medication administration; statement medication shall be in original labeled container either as dispensed or in manufacturer's container; written medication administration record is on file at school and includes Date, Individual's name, Prescriber or person authorizing administration, Medication, Medication dosage, Administration time, Administration method, Signature and title of person administering medication, Any unusual circumstances, actions or omissions; statement the medication is stored in a secured area unless an alternate provision is documented; requirement for a written statement by individual's parent or guardian requesting individual's coadministration of medication, when competency is demonstrated; requirement for emergency protocols for medication-related reactions; and statement regarding confidentiality of information. **281 IAC 41.174** School personnel prohibited from requiring parents to obtain a prescription for substances identified in Controlled Substances Act for a child as a condition of attending school, receiving an evaluation, or receiving services. Does not prohibit teachers and other school personnel consulting or sharing classroom-based observations with parents/guardians regarding a student's academic/functional performance, classroom/school behavior, or regarding need for evaluation for special education or related services. Phone conversation with Therese Witkowski, Executive Officer, Iowa Board of Pharmacy, 12/10. Iowa pharmacy law would prohibit school possession of prescription drugs not specifically prescribed for an individual and there is no authority in Iowa law for standing orders (Iowa Code 155A.27).

## MULTICULTURAL

**Iowa Code §256.11; 281 IAC 12.5(8)** Multicultural and gender fair approaches in educational program requirements.

## PHYSICAL EXAMS

**281 IAC 12.4(14)** Physical examination requirement for school staff rescinded effective 3/28/12. Bus driver not included.

**281 IAC 36.14(1)** Athletic physical exam-Interscholastic athletics. Student-a school age person enrolled in grades 9-12. Every year each student presents a certificate signed by a licensed physician and surgeon, osteopathic physician/surgeon, osteopath, qualified doctor of chiropractic, qualified physician assistant, or advanced registered nurse practitioner the student has been examined and may safely engage in athletic competition. Certificate is valid for one calendar year, grace period not to exceed 30 days is allowed for expired physical certifications. Form at <http://www.iahsaa.org/forms.htm>

**Iowa Code Chapter 285; 281 IAC 43.15-.17** School bus driver physical fitness. Except for insulin-dependent diabetics, applicant for school bus driver's authorization undergoes a biennial physical exam by a licensed physician/surgeon, osteopathic physician/surgeon, osteopath, qualified doctor of chiropractic, licensed physician assistant, or advanced registered nurse practitioner. Applicant submits signed certificate annually to employer indicating physical fitness (specific requirements listed). Tuberculosis testing removed from law (2006). Contact local health department with questions.

## RECORDS

**Iowa Code Chapter 22; 281 IAC 12.3(4)** Student records. Each board establishes and maintains a system of student records. This system includes a student permanent office record and a cumulative record. Permanent office record serves as a historical record of official information concerning student's education. At a minimum, permanent office record should contain evidence of attendance and educational progress, serve as an official transcript, contain other data for use in planning to meet student needs, and provide data for official school and school district reports. This record is permanently maintained/ stored in a fire-resistant safe or vault or can be maintained and stored electronically with a secure back-up file. Cumulative record provides a continuous and current record of significant information on progress and growth. It should reflect information such as courses taken, scholastic progress, school attendance, physical and health record, experiences, interests, aptitudes, attitudes, abilities, honors, extracurricular activities, part-time employment, and plans. It is the "working record" used by instructional professional staff in understanding the student. At request of a receiving school or school district, a copy of cumulative record is sent to officials of that school when a student transfers. For sole purpose of implementing an interagency agreement with state and local agencies, a student's permanent record may include information contained in cumulative record. The board adopts a policy on accessibility and confidentiality of student records that complies with Federal Family Educational Rights and Privacy Act and Iowa Code Chapter 22. **441 IAC 79.3(3)** Medicaid requires records maintenance for five years from the date of claim. Interpretation: Legal lessons, Student records, Transfer copy permanent file may send original cumulative and keep copy; Student records as school property; Maintain cumulative records beyond transfer/ graduation date if there are unresolved issues.

## SCHOOL FOOD PROGRAM

**42 USC Chapter 13** Requires nutrition education and training. **42 USC 1771 et seq.** Requires a local educational agency wellness policy, at a minimum-nutrition education goals, physical activity, and other school-based activities designed to promote student wellness that the local educational agency determines appropriate; nutrition guidelines selected by the local educational agency for all foods available on each school campus under the local educational agency during the school day with objectives of promoting student health and reducing childhood obesity; provides an assurance guidelines for reimbursable school meals shall not be less restrictive than regulations and guidance issued in the Child Nutrition Act and sections of the National School Lunch Act as those regulations and guidance apply to schools; establishes a plan for measuring implementation of local wellness policy, including designation of 1 or more persons within local educational agency or at each school, as appropriate, charged with operational responsibility for ensuring the school meets the local wellness policy; and involves parent and students representatives of the school food authority, the school board, school administrators, and the public in development of the school wellness policy. **7 CFR §§210.10(g)(1-3)** Exceptions and variations allowed in meals; medical or special dietary needs (case by case basis for students when supported by a statement of need and alternate foods signed by a physician or medical authority), ethnic, religious, economic reasons, and natural disasters. **Iowa Code Chapter 283A, 281 IAC 58** All public schools provide school meal programs. Lunch programs required. Nutritional standards for foods and beverages sold or provided on school ground during the school day. **Iowa Code §283A.2(3) 3** Each school district operating or providing a school food program provides forwarding of application information, when federal funding is provided, to identify children for enrollment in medical assistance program pursuant to healthy and well kids in Iowa program pursuant to chapter 514I to department of human services.

## SCHOOL NURSE

**Iowa Code §256.11(9B)** District shall have a school nurse to provide health services. District shall work toward goal of one school nurse for every 750 students enrolled. School nurse means a person who holds an endorsement (RN from Board of Nursing). Available and not required School Nurse statement of professional recognition (SPR) from Iowa Board of Educational Examiners. Interpretation: District school nurse is employed, shared, or contracted, and amount of time not specified. The school nurse (RN with baccalaureate degree and SPR) meets the definition of "teacher", School Leader Update-Legislative Update, May 2007.

**282 IAC 16.3** School Nurse SPR from Board of Educational Examiners authorizes the registered nurse (RN) to promote health and safety of students including medical treatment allowed under RN license. Requires current RN license from the Board of Nursing, baccalaureate degree, valid for five years and renewal requires continuing education required by board of nursing and child and dependent abuse education. Available and not required to practice in a school. To renew submit fee, copy current RN license, and record of child abuse course. Board of Educational Examiners <http://www.boee.iowa.gov/ChooseNew.html>

**282 IAC 16.7** Special education nurse SPR authorizes the nurse to provide school nurse and school health services with special education pupils birth to age 21. Special education director submits a letter to the educational examiners requesting the SPR. Requirements: Nursing baccalaureate or master's degree official transcript; current Iowa Board of Nursing license; and verification of two years' experience in public health nursing including service to schools or as a school nurse. Valid for 5 years and temporary authorization and requirements listed.

**281 IAC 12.4(12)** Board employing a nurse requires a current license filed with the superintendent.

**Iowa Code §279.13** School Nurse contract is in writing, stating number of contract days, annual compensation, any other matter as mutually agreed, not to exceed a term beyond the school year except as otherwise authorized, signed by the Board and nurse, and on file before entering into performance.

**282 IAC 17.1,-.4** Specialized career/technical secondary endorsements and licenses, health initial career, technical, and Class D requirements. Contact Board of Educational Examiners.

**282 IAC 13.28(28)** School nurse endorsement. The holder authorized to provide service as a school nurse, prekindergarten-12th grade. Program requirements: baccalaureate degree, approved human relations program, professional education core, and a current license. Endorsed nurses may teach health at all grade levels does not authorize general classroom teaching. Alternatively, a nurse may obtain a statement of professional recognition (SPR) from the board of educational examiners, in accordance with the provisions set out in 282—Chapter 16. Note: School Nurse endorsement is optional, not currently offered by an institution, and not required to be employed as a school nurse.

**Iowa Code §152.1(1-2)** The "practice of nursing" means practice of a registered nurse or a licensed practical nurse. Nursing Practice Definitions. "Practice of profession of a registered nurse" means practice of a natural person licensed by board to do all of specified in a-f.

**655 IAC 6.1** Nursing practice for registered nurses selected definitions. *Accountability*: Obligated to answer for one's acts including supervision. *Competence*: Knowledge/ability to perform, skillfully/proficiently, functions within the role. *Minimum standards*: Standards of practice that interpret legal definition of nursing and provide criteria to determine violations of law.

*Nursing diagnosis*: Judgment following assessment to form basis for determining effective interventions. *Nursing process*: Ongoing assessment, nursing diagnosis, planning, intervention, and evaluation. *Proximate area*: Registered nurse analyzes qualification of the LPN in relationship to client nursing needs to determine appropriate distance within building and time necessary to be readily available. *Unlicensed assistive personnel*: Individual trained to function in assistive role in providing nursing care activities as delegated by RN or LPN.

**655 IAC 6.2(1-5)** The RN recognizes/understands legal implications within the scope of nursing practice and utilizes nursing process and prevailing practice, conducts nursing practice by respecting rights of clients and respecting confidentiality (unless legally compelled to disclose), and recognizes/understands legal implications of accountability. **“6.2(5) registered nurse shall recognize/understand legal implications of accountability. Accountability includes but need not be limited to the following...”**c. Using professional judgment in assigning/delegating activities and functions to unlicensed assistive personnel. Activities and functions which are beyond the scope of practice of licensed practical nurse may not be delegated to unlicensed assistive personnel. “Unlicensed assistive personnel” does not include certified emergency medical services personnel authorized under Iowa Code chapter 147A performing non-lifesaving procedures for which those individuals have been certified and are designated in a written job description, after the patient is observed by a registered nurse.”

**655 IAC 6.3(7)** When the LPN provides nursing care requiring knowledge and skill level of the RN in a non-acute setting, the RN or physician must be present in the proximate area. Settings include...b) School nursing. **6.6(2)** The LPN provides supportive and restorative care to a specific student in the school setting in accordance with the student’s health plan when under the supervision of and as delegated by the registered nurse employed by the district.

**Iowa Code §143(1); 641 IAC 80.9** A public health nurse may be employed through a contract listing time and duties with a school district to provide public health nursing services. Public health nursing is a specialized nursing practice that combines science and art of public health with science and art of nursing

**Attorney General Opinion, March 10, 1988. #88-3-3(L) School Health.** Withholding life-sustaining procedures. School is not a health care provider under law and therefore has no mandate either to withhold life-sustaining measures or transfer a terminally ill child to another facility. A court order is advisable before agreeing to neither summon medical personnel nor give first aid to a terminally ill child.

**Substitute school nurse** there are no laws on requirements for a substitute school nurse. Recommendation-keep on file a copy of current RN license.

## SPECIAL EDUCATION

**20 USC, Chapter 33; Title 29, USC, Chapter 16, §794; Title 34, CFR, Part 300; Iowa Code §§280.8, 256, 256B, 273.5; 281 IAC 41** Federal Law, Individuals with Disabilities Education Improvement Act (IDEA) mandates special education and related service programming are available for all children and youth with disabilities that require them. Federal funds available to help state and local governments establish and maintain special education programs for students with disabilities as well as provide the related services students need to benefit from special education. **281 IAC 41.34(3) m.** “School health services and school nurse services,” means health services designed to enable a child with a disability to receive FAPE as described in the child’s IEP. School nurse services are services provided by a qualified school nurse. School health services are services that may be provided by either a qualified school nurse or other qualified person. **281 IAC 41.402(3)** “Special education nurse” is a professional registered nurse who assesses, identifies and evaluates the health needs of eligible individuals; interprets for the family and educational personnel how health needs relate to individuals’ education; implements specific activities commensurate with the practice of professional nursing; and integrates health into the educational program. **281 IAC 41.403(2)** Authorized special education paraprofessional. “Licensed practical nurse” shall be permitted to provide supportive and restorative care to an eligible individual in the school setting in accordance with the student’s health plan when under the supervision of and as delegated by the registered nurse employed by the school district.

**US Supreme Court, March 3, 1999, No. 96-1793, Cedar Rapids Community School District v. Garret F.** IDEA requires District provide Garret with nursing services (ventilator, catheterization, nutrition, positioning, suctioning) required during school.

## STUDENT RESPONSIBILITY AND DISCIPLINE

**281 IAC 12.3(6)** Board adopts student responsibility and discipline policies. Policies include and are not limited to, attendance; use of tobacco and use or possession of alcoholic beverages or any controlled substance; harassment; violent, destructive/seriously disruptive behavior; suspension, expulsion; emergency removal; weapons; physical restraint; out-of-school behavior, participation in extracurricular activities, academic progress; and citizenship.

## SUBSTANCE USE

**Iowa Code §279.9** Rules prohibit student use of tobacco, use or possession of alcoholic liquor, wine, beer, or any controlled substance and board may suspend or expel a student for rules violation. NCLB Title IVC §4301 et seq. prohibits indoor school facility smoking.

**Iowa Code §280.24** Procedures for reporting drug or alcohol possession or use. The board of each public school and authorities in charge of an accredited nonpublic school prescribe procedures to report any use or possession of alcoholic liquor, wine, beer, or any controlled substance on school premises to local law enforcement agencies, if the use or possession is in violation of school policy or state law. The procedures may include provision not requiring a report when the school officials determine it would jeopardize a school at-risk or other student assistance program if a student self reports.

**20 USC 3217 Drug-Free Schools and Communities Act** Requires districts develop and implement age-appropriate, developmentally based drug and alcohol education/prevention programs for students served P-12 and drug-free zones.

**Iowa Code Chapter 142D Smokefree air/penalties.** Prohibits smoking in school districts and anywhere on school grounds.

## TRANSPORTATION-SCHOOL BUS

**Iowa Code Chapters 285, 321; 281 IAC 43, 44** District provides transportation for resident pupils attending public school kindergarten through 12<sup>th</sup> grade specifications and exceptions listed. Guideline: Transporting Students. Individuals transporting students review district policies on school personnel transporting students, especially regarding insurance coverage. When necessary to transport a student, school vehicle is the first choice.

## VOLUNTEER

**281 IAC 12.4 (16)** A volunteer is defined as an individual, without compensation or remuneration, provides a supportive role and performs tasks under the direction, supervision, and control of the school or school district staff. A volunteer does not work as a substitute or replace the function and duties of a teacher.

## HIGHLIGHTS OF FEDERAL LEGISLATION

**42 USC §12101 et seq.; 28 CFR §35.101 Americans with Disabilities Act Amendments Act (ADAAA)** Guarantees equal opportunity for individuals with disabilities.

**42 U.S.C. 6A §263a, 42CFR Part 493 Clinical Laboratory Improvement Amendments (CLIA)-Certificate of Waiver for Iowa schools** Requires schools to have a certificate of waiver to exam materials from the human body to provide information for diagnosis, prevention, or treatment of any disease or impairment, or assessment of health. The school nurse or other qualified school personnel, following health care provider orders and manufacturer’s instructions when administering certain tests at school and in school activities. Iowa Department of Education provides a **CLIA Certificate of Waiver** for Iowa schools under the Department.

**42 USC 2000d et seq.; 34 CFR 100-199 Civil Rights** Nondiscrimination in programs receiving federal assistance. No person is excluded from participation, denied the benefits, or otherwise subjected to discrimination on grounds of race, color, age, national origin, sex, or disability. US Department of Education enforces several Federal civil rights laws 34 CFR 100; 34 CFR 106; 34 CFR 104 (**Section 504**); 28 CFR 35; 34 CFR 110; 34 CFR 75, 76, and 108.

**20 USC 1232g; 34 CFR 99 Family Educational Rights and Privacy Act (FERPA)** Protects the rights and privacy of

parents and students including certain education records. Generally, schools must have written permission to release student information. Exceptions include school officials with legitimate educational interest, appropriate officials in cases of health and safety emergencies, transfer, and others.

<http://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

**20 USC 33 Sec. 1400 et seq.; 34 CFR 300-399**

**Individuals with Disabilities Education Act, (IDEA)**

Assures children with disabilities have access to a free, appropriate public education (FAPE) emphasizing special education and related services designed to meet their unique needs and assess and assure effectiveness of efforts to educate all children with disabilities. <http://idea.ed.gov/>

**20 USC 6301 et seq.; 34 CFR 200-299 No Child Left**

**Behind Act (NCLB).** Elementary and secondary schools ensure all children have the opportunity of a high-quality education and reach academic achievement standards and assessments. **NCLB Title IV, Part B; Iowa Code 257.50** <sup>21<sup>st</sup></sup> Century Community Learning Centers-collaboration with community organizations using research-based methods.

**29 USC 653; 29 CFR 1910.1030 Occupational exposure to bloodborne pathogens.** District establishes

policy/guidelines to eliminate/minimize employee occupational exposure to Bloodborne pathogens <http://www.osha.gov/>

**29 USC Sec. 794; 34 CFR 104 Rehabilitation Act**

**(Section 504) 20 USC 1401 et seq.** Provides individuals with disabilities rights of program and activity inclusion in any program or activity receiving federal financial assistance. Schools provide appropriate educational programming addressing physical accessibility to school facilities.

**20 USC 44, 2301 et seq.; 34 CFR 400-491 Vocational and Applied Technology Education Act (Perkins Act)**

Authorizes federal funds to support vocational education programs to improve access of the underserved or those with greater than average educational needs. Requires vocational education for students with disabilities.

**These selected summaries are not substitutes for the laws. For further clarification, refer the full text of the legal reference.**

1 All Iowa Code references are to the current 2011 edition.

2 All Iowa Administrative Code references are to the current 2011 edition.

**ABBREVIATIONS - WEBSITES**

USC=United States Code

CFR=Code of Federal Regulations

IC=Iowa Code

IAC=Iowa Administrative Code

Iowa Board of Nursing <http://www.nursing.iowa.gov>

IBOEE=Iowa Board of Educational Examiners

<http://www.boee.iowa.gov>

IDAS=Iowa Department of Administrative Services

<http://www.das.iowa.gov>

IDE=Iowa Department of Education <http://educateiowa.gov>

IDHS Iowa Department of Human Services

<http://www.dhs.iowa.gov>

Iowa Department of Public Health (IDPH)

<http://www.idph.state.ia.us>

U.S. Department of Education <http://www.ed.gov>

Iowa Legislature Home Page

<http://www.legis.iowa.gov/index.aspx>

Iowa Code <http://www.legis.iowa.gov/index.aspx>

Iowa Administrative Code

<http://www.legis.iowa.gov/IowaLaw/AdminCode/agencyDocs.aspx>

Federal Law Search (Code and CFR)

<http://www.gpo.gov/fdsys/>

**INDEX**

Abuse-Child/Dependent Adult .....	1
Activity Program .....	1
Age of Minority .....	1
At-Risk Children .....	1
Attendance .....	1
Automated External Defibrillator .....	1
Birth Certificate .....	1
Brain Injury-Concussion .....	1
Bullying and Harassment .....	1
Communicable-Infectious Disease-Poisonings .....	1
Community Empowerment .....	1
Competent Private Instruction .....	1
Confidentiality .....	1
Corporal Punishment .....	2
Crisis Plan .....	2
Dental Screening-Clinics .....	2
Disabilities .....	2
Disaster School Closings-Public Health .....	2
Early Childhood Standards .....	2
Ear Protection .....	2
Education .....	2
Emergency assistance .....	2
Environment .....	2
Eye Protection-Screening .....	2
Health Curriculum .....	2
Healthy Kids Act .....	3
Health Services .....	3
Homeless in School .....	3
Immunization .....	3
Insurance for Children .....	4
Lead Blood Screening .....	4
Liability .....	4
Medicaid .....	4
Medication .....	4
Multicultural .....	4
Physical Exams .....	4
Records .....	4
School Food Program .....	5
School Nurse .....	5
Special Education .....	6
Student Responsibility and Discipline .....	6
Substance Use .....	6
Transportation-School Bus .....	6
Volunteer .....	6
Highlights Federal Legislation .....	6
Abbreviations-Websites .....	7
Index .....	7

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